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Practical measures under the Firearms Protocol that contribute to preventing criminal organizations and terrorist groups from acquiring weapons through illicit trafficking, and to monitoring the achievement of target 16.4 of the Sustainable Development Goals

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Background paper prepared by the Secretariat**

I. Introduction

1. Illicit trafficking in firearms, their parts and components and ammunition is a global and transnational threat often linked to other forms and manifestations of organized crime, other serious crimes and terrorism. Illicit firearms are frequently a common denominator and a cross-cutting element in many crimes, from urban gang violence to transnational organized crime and terrorism. They serve as facilitators of violent crimes and as lucrative trafficking commodities that fuel armed conflicts, crime and insecurity, which in turn negatively impact development, safety and security.

2. Illicitly trafficked firearms and other trafficked commodities can often be smuggled through the same or similar networks and channels, using the same or similar modi operandi and even the same cargoes. Providers of related illicit services, such as forging documentation, transportation and laundering of illicit assets, can be shared and reused by criminal groups. Furthermore, the use of corrupt practices to facilitate and enable the illicit traffic can be a common denominator in different forms of organized crime, including firearms trafficking.

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** The present report was submitted after the deadline so as to include the most recent information.

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3. Organized criminal groups regularly protect their merchandise and use their resources and established practices to traffic various illicit commodities, including firearms, their parts and components and ammunition. Similarly, it would also appear that terrorist groups, besides resorting to improvised explosive devices, increasingly commit violent attacks using illicitly obtained firearms and commit other crimes to finance their activities, including illicit trafficking in firearms, their parts and components and ammunition and other illicit commodities.

4. The dividing line between firearms trafficking, on the one hand, and other forms of organized crime and terrorist activities on the other, is often not very clear because of the multiple transactions and exchanges of services among the different actors involved. This is the case, for example, when terrorist groups exploit the infrastructure of organized criminal groups to procure tools or profit from organized crime activities, including firearms trafficking, to generate funds and pursue their goals. Another such interconnection is when organized criminal groups, including drug trafficking organizations, procure illicitly trafficked firearms to protect their illicit merchandise or facilitate their trafficking activities.

5. The availability of firearms, their parts and components and ammunition to organized criminal and terrorist groups exponentially increases the destructive power of these groups and provides them with the necessary material and financial support to perpetuate their existence. Preventing these criminal organizations and terrorist groups from acquiring firearms is therefore one of the most pressing and urgent priorities for the international community. Member States have acknowledged and addressed their concerns in different intergovernmental forums, as described below.

6. In the outcome document of the thirtieth special session of the General Assembly, entitled "Our joint commitment to effectively addressing and countering the world drug problem", Member States were urged to respond to the serious challenges posed by the increasing links between drug trafficking, corruption and other forms of organized crime, including trafficking in persons, trafficking in firearms, cybercrime and money-laundering, and, in some cases, terrorism, including money-laundering in connection with the financing of terrorism.

7. The Security Council, in its resolutions 2322 (2016) and 2370 (2017), inter alia, referred to the links between terrorism and organized crime. In its resolution 2322 (2016), the Security Council expressed concern that terrorists benefit and continue to profit from transnational organized crime, including from the trafficking of arms, persons, drugs and artefacts, as well as from the illicit trade in natural resources and wildlife, and recognized the indispensable role of international cooperation in crime prevention and criminal justice and that of fair and effective criminal justice systems as a fundamental basis of any strategy to counter terrorism and transnational organized crime. In its resolution 2370 (2017), the Security Council called upon States to take measures to counter these threats and recognized that the illicit transfer, theft from national stockpiles and illicit craft production can be a source of small arms and light weapons which can enable terrorist groups to considerably increase their armed capabilities. In the same resolution, the Council also called upon States to implement specific measures established under international arms instruments to contain the risk of terrorists acquiring those weapons.

8. The Conference of the Parties to the United Nations Convention against Transnational Organized Crime has acknowledged the existence of links between firearms trafficking and other crimes. In its resolution 8/3, the Conference expressed its concern at the increased levels of harm and violence that transnational organized criminal groups generate in some regions of the world as a result of the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. It noted that reducing the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition was one of the major components of the efforts to reduce the violence that accompanies the activities of transnational organized criminal groups. In the same resolution, the Conference

requested the United Nations Office on Drugs and Crime (UNODC) to continue to promote international cooperation through regional and cross-regional workshops with the aim of investigating and prosecuting the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, including when related to terrorism and other crimes, such as urban crime committed by gangs, including for countries that are on relevant trafficking routes.

9. The Working Group on Firearms, at its fifth meeting, in 2017, also addressed the link between the illicit trafficking in firearms, their parts and components and ammunition and terrorism, as well as other forms of organized crime. For instance, it recommended that UNODC collect and analyse relevant cases and good practices to investigate and prosecute firearms trafficking cases, including cases linked to terrorism and organized crime, and to produce a compendium of good practices and measures that helped States to efficiently prevent and address trafficking in firearms, their parts and components and ammunition. The Working Group also recommended that UNODC facilitate the exchange of information, lessons learned and best practices regarding emerging threats and new forms of crimes, such as urban crime committed by gangs, arms trafficking through parcel services and the darknet, the assembly of firearms from spare parts and the modi operandi of traffickers, including cases linked to terrorism and organized crime.

10. Preventing organized criminal and terrorist groups from acquiring firearms is also linked to reducing illicit arms flows as requested under target 16.4 of Sustainable Development Goal 16. Monitoring steps towards the achievement of this target requires comprehensive data collection efforts at the national and international levels as well as sufficient capacity to collect and record the required data.

II. Addressing the links between firearms trafficking, organized crime and terrorism through integrated approaches

11. Firearms play a crucial role not only in the genesis and commission of serious crimes, but also in their investigation and prosecution; as a central piece of evidence, firearms can "tell their story". Moreover, increased and tailored controls over the licit activities surrounding firearms, their parts and components and ammunition — including manufacturing, storage, use, trade, movements and disposal — can provide a first, fundamental barrier to prevent organized crime and terrorist groups from acquiring those items by reducing the risk of theft, diversion and trafficking.

12. Often, illicit trafficking in firearms, their parts and components, and other forms of serious and organized crime, as well as terrorism, are addressed in isolation, at both the policy and the operational levels, disregarding the links that exist between them. In practice, not enough attention is paid to the illicit origin of firearms and their links to other forms of crime. Law enforcement officials and prosecutors usually seize firearms that were used in the commission of crimes as mere instrumentalities of the main offence, only charging the alleged offender with illicit possession or similar offences, without addressing the possible underlying illicit trafficking of those arms. Hence, while the immediate goal is reached, namely to take a particular firearm out of circulation, the long-term aim of disrupting illicit firearms trafficking, dismantling criminal groups and networks and bringing their members to justice remains unattended.

13. This traditional way of addressing different threats in separate clusters, instead of through integrated and synergetic approaches, has so far prevented policymakers and practitioners from truly addressing the links that exist between the illicit manufacturing of and trafficking in firearms and other forms of crime, including organized crime and terrorism. It has also prevented policymakers and practitioners from exploring what synergies and added value comprehensive firearms control regimes can provide to counter these interconnected threats, and from exploring to

what extent lessons learned and strategies that are applied to counter organized crime or terrorism can be also be applied specifically to counter illicit firearms trafficking.

14. A first step in effectively addressing this issue is to recognize and acknowledge the existence of the nexus between trafficking in firearms, their parts and components and ammunition, and other serious crimes, and to make the problem of firearms, their illicit manufacturing and trafficking a central and strategic piece of an integrated criminal justice response to these threats. One way of doing this is to consider how existing firearms control regimes can support efforts to prevent organized crime and terrorist groups from acquiring firearms, their parts and components and ammunition, and to explore the added value of integrating firearms control strategies and related criminal justice responses into wider strategies to counter transnational organized crime or terrorism.

15. The present background paper discusses practical measures that are explicitly provided for under the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition and the United Nations Convention against Transnational Organized Crime and explores additional, interconnected and complementary measures that can help prevent organized criminal and terrorist groups from acquiring firearms through illicit trafficking.

III. Practical measures under the Firearms Protocol that contribute to preventing criminal organizations and terrorist groups from acquiring firearms, their parts and components and ammunition through illicit trafficking

16. The Firearms Protocol and its parent Convention, while not specifically designed to prevent terrorists and criminal groups from acquiring firearms, their parts and components and ammunition, contain a number of provisions that are particularly important in that regard. Those include legislative requirements and the criminalization of certain offences; preventive, security and regulatory control measures on firearms, their parts and components and ammunition; a coherent law enforcement and criminal justice response to cases of illicit manufacturing of and trafficking in firearms, their parts and components and ammunition; and international cooperation and information exchange.

A. Assessing legislative requirements against the broader national context

17. Regardless of whether States parties follow a monist or dualist approach to international law with regard to the applicability of the legally binding Firearms Protocol and its parent Convention, all parties will need to interpret these instruments and incorporate the provisions into their respective domestic law in a way that fits the national context and legal regime. A sound legislative framework that transposes the Protocol and the Convention into domestic legislation constitutes the basis for a coherent criminal justice response to the illicit trafficking in firearms, their parts and components and ammunition.

18. In this respect, the legislative guides for the implementation of the Organized Crime Convention[1] and its Firearms Protocol[2] provide the primary guidance for fully understanding the legislative and operational requirements of the instruments. The *Model Law Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition*[3] can also provide help on how to transpose

[1] Available at www.unodc.org/cld/v3/sherloc/legislative-guide/index.html?lng=en.

[2] Available at www.unodc.org/pdf/crime/legislative_guides/05%20Legislative%20guide_Firearms%20Protocol.pdf.

[3] United Nations publication, Sales No. E.14.V.8.

the Protocol's provisions into domestic legislation, and offers, where needed, alternative drafting options that take into account different legal systems.

19. Developing synergies between existing international instruments, such as the Arms Trade Treaty and the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, can help States parties meet their international commitments under complementary instruments and ensure that their national laws address interconnected themes. In this regard, the UNODC *Comparative Analysis of Global Instruments on Firearms and Other Conventional Arms: Synergies for Implementation*[4] can be a valuable tool for States.

Complementary measures

20. A thorough analysis of the national legal framework and existing complementary legislation will be required to ensure internal coherence and avoid legal loopholes or contradictory norms. In this regard, a preliminary assessment of the nature and extent of the illicit firearms problem in the country and its possible links to other threats such as organized crime and terrorist groups can provide a better understanding for legislators and policymakers on how certain Convention and Protocol provisions could be adapted to respond to these specific needs. The results of the assessment can provide guidance on the type of measures within a firearms control regime that may need to be reinforced in order to prevent organized crime and terrorist groups from acquiring firearms, their parts and components and ammunition.

21. A broader assessment could also address underlying questions and aspects of a national arms control regime that can provide additional guidance to legislators and policymakers when transposing the Protocol and looking at ways to prevent criminals from acquiring firearms, their parts and components and ammunition. These could include assessing the type of firearms problems that are predominant in the country; the legal conditions for manufacturing, acquisition, possession, ownership, transfers and disposal; and the specific threats that have been identified at each of these stages of the life cycle of firearms.

B. Criminalizing certain offences and sentencing criteria

22. The introduction of relevant criminal offences constitutes the core of a criminal justice response. Without criminal offences, neither investigation of the act nor prosecution and adjudication are compliant with the basic principle of the rule of law. The Firearms Protocol, in its article 5, requires States parties to adopt such legislative and other measures as may be necessary to establish three different groups of criminal offences linked to (a) illicit manufacturing, (b) illicit trafficking, and (c) tampering with firearm markings. The list of offences contained in the Protocol is not exhaustive and can be complemented, if States parties deem it necessary, by other offences that support enforcement of the Protocol.

23. In order to facilitate law enforcement actions and judiciary decisions against illicit firearms trafficking, States parties are required to criminalize illicit trafficking in firearms, their parts and components and ammunition: thus, going beyond the criminalization only of illicit or unlicensed possession of a firearm, which is often applied as a "catch-all" offence to seize and forfeit firearms, without the further investigation of their origin.

24. The Organized Crime Convention, the Firearms Protocol and international instruments against terrorism do not provide for specific criminal offences that directly link firearms to terrorism or organized crime for the purpose of committing or supporting the commission of organized crime or terrorist activities, or to finance them. Thus, in order to prevent organized crime and terrorist groups from acquiring firearms, their parts and components and ammunition, and to prevent and combat

[4] www.unodc.org/documents/firearms-protocol/ComparativeAnalysisPaper.pdf

firearms trafficking, with full respect to the rule of law, States parties may consider adopting stricter measures than those provided for in the Convention and the Protocol.

25. While the Protocol stipulates that the offence of illicit trafficking in firearms, their parts and components and ammunition must be established as a criminal offence — not as a mere administrative or civil offence — it does not guide States parties on the potential scope of applicable sanctions. According to the Organized Crime Convention, offences established in accordance with it and its Protocols should be liable to sanctions that take into account the gravity of the respective offences (art. 11, para. 1). The gravity of the offences should also be considered during the judicial process. One example is when considering whether or not to grant the possibility of early release or parole. Another example concerns the possibility of establishing longer statutes of limitations for the commencement of proceedings for complex and transnational offences (art. 11, paras. 4 and 5 of the Convention).

26. In order to deter firearms traffickers from contributing to terrorist attacks or organized criminal activities, States parties could, where the legal regime allows, define such conduct either as specific aggravating circumstances to the offence of illicit firearms manufacturing or trafficking, or as autonomous offences. Both could be justified by the fact that terrorist attacks and organized criminal activities pose an even greater threat to society when committed with firearms.

27. Legislators may also consider introducing additional optional offences aimed at reinforcing the implementation of preventive measures under the Firearms Protocol, which, if not properly applied and enforced, may facilitate access to firearms for criminal groups and terrorists, or make it less difficult. Such measures address the failure to keep records or the intentional destruction of records, the illicit reactivation of firearms and illicit brokering, among other things.

C. Preventive, security and regulatory control measures on firearms, their parts and components and ammunition

28. Considering that organized crime and terrorism are among the most serious threats to international peace and security, preventing organized criminal and terrorist groups from acquiring firearms, their parts and components and ammunition is of utmost importance. It is not always clear whether perpetrators of the above-mentioned crimes are themselves engaged in illicit firearms trafficking or are acquiring them domestically, for example from thriving black markets, by looting national stockpiles or benefiting from corrupt individuals with legal access to firearms and ammunition. Such information is necessary to inform and help contextualize the appropriate prevention strategy. Below are some practical measures, under the Protocol, that can be tailored to respond to the specific threats.

1. National licences and authorization systems for manufacturing and other firearms-related activities

29. The manufacturing or assembly of firearms, their parts and components or ammunition without a licence or authorization from a competent authority of the State where the manufacture or assembly takes place, is considered under the Firearms Protocol to be a form of "illicit manufacturing" and shall be established as a self-standing criminal offence by States parties.

30. The Protocol does not explicitly require the establishment of a national authority or institution related to firearms. However, it clearly establishes the principle that certain activities involving firearms, such as manufacturing, sale, acquisition, transfer, deactivation and disposal, inter alia, need to be subject to prior control by a public entity and to the issuance of a valid licence, permit or authorization. While the establishment of the criteria and conditions for the issuance or suspension of such licences or permits falls under the purview of each State party, it is important to note that these controls often represent the first filter that can help prevent criminals from

acquiring firearms, their parts and components and ammunition. These measures could be tailored to the specific needs and conditions of a country.

2. Transfer licensing or authorization systems, security measures and brokering

31. The Protocol provides for general requirements for export, import and transit licensing or authorization systems (art. 10). It further requests parties to consider establishing brokering regulation systems (art. 15). It is a reciprocal system requiring States to provide authorizations to one another before permitting shipments of firearms to leave, arrive or transit across their territory and enables law enforcement to track the legal movement of shipments to prevent theft and diversion. These standards are intended to help ensure a level of transparency to assist States parties to better target illicit transactions. Comprehensively transposed and strictly applied, such transfer control systems help minimize the risk that organized criminal and terrorist groups might gain access and directly engage in illicit trafficking in firearms, their parts and components and ammunition.

32. However, there is still a risk of the system being undermined in particular by criminals and terrorists that falsify required documents or divert the consignment during the legal transfer. Article 11, subparagraph (a), of the Protocol requires States parties to take appropriate measures to ensure the security of firearms, their parts and components and ammunition at the time of manufacture, import, export and transit through their territory. The Protocol also requires States parties to consider establishing a system for regulating the activities of those who engage in brokering (art. 15). According to the Protocol, such a system could include, among others things: (a) requiring registration of brokers operating within their territory; (b) requiring licensing or authorization of brokering; or (c) requiring disclosure on import and export licences or authorizations, or accompanying documents, of the names and locations of brokers involved in the transaction. The Arms Trade Treaty contains similar provisions as mandatory measures.

Complementary measures

33. Issuing transfer and brokering licences with more scrutiny and exploring connections of licence applicants with organized criminal and terrorist groups as part of a security vetting process can be complementary measures.

3. Marking, record-keeping and stockpile management

34. There are cases of members of organized criminal and terrorist groups acquiring domestically diverted firearms, parts and components and ammunition. Once those items are in the hands of a criminal or terrorist group, they might circulate within the established network regardless of national borders, and will ultimately be trafficked. Therefore, implementing preventive and security measures such as marking and record-keeping, as well as stockpile management of firearms, their parts and components and ammunition at the domestic level, helps reduce the risk of organized criminal and terrorist groups acquiring firearms through illicit trafficking.

35. Marking and record-keeping are two prerequisites that allow States parties to identify and trace firearms with a view to determining their point of diversion, as well as trafficking patterns and routes. The latter is particularly important as this information can inform policy and operational decisions taken with a view to countering the illicit trafficking in firearms, their parts and components and ammunition, as well as preventing organized criminal and terrorist groups from acquiring those items.

36. The Protocol further provides for the establishment and maintenance of record-keeping systems for firearms, their parts and components and ammunition that should contain at least the information required for the tracing of such items (article 7 of the Protocol). Keeping comprehensive records, including of seized, found and surrendered firearms, is a precondition for tracing their origins.

Complementary measures

37. To facilitate the identification of trafficking patterns and flows, States parties could widen the scope of information recorded on firearms by adding information on the ballistic fingerprint produced by each individual firearm. This information can facilitate the tracing exercise in case markings on the firearms have been permanently erased and can help to link one firearm to multiple crime scenes through a ballistic matching exercise.

38. One integral aspect of secure stockpile management during the above-mentioned periods of the firearms life cycle is a comprehensive staff vetting and selection exercise, as individuals with legal access to firearms, their parts and components and ammunition perform duties that require a high level of integrity and conformity with existing standards and regulations. All individuals involved in the legal transfer of firearms, their parts and components and ammunition could therefore be required to undergo a security vetting before the commencement of service and at regular intervals during service that aims at detecting associations with criminal or terrorist elements.

4. Deactivation

39. Firearms that have been previously deactivated constitute another commodity at risk of being illicitly trafficked and used by criminal and terrorist groups.

40. Deactivation is a permanent and irreversible process through which a firearm is rendered permanently inoperable. This is not to be confused with the temporary deactivation or neutralization, which is a reversible process often applied to firearms while on transfers or stored in deposits, used in expositions or brought to courts or other public places.

41. The Firearms Protocol requires States parties that do not recognize a deactivated firearm as a firearm in accordance with its domestic law, to take the necessary measures, including the establishment of specific offences if appropriate, to prevent the illicit reactivation of deactivated firearms (art. 9).

42. Deactivation procedures should be subject to strict controls and should follow three general safeguards:

(a) All essential parts of a deactivated firearm are to be rendered permanently inoperable and incapable of removal, replacement or modification in a manner that would permit the firearm to be reactivated in any way;

(b) Arrangements are to be made for deactivation measures to be verified, where appropriate, by a competent authority to ensure that the modifications made to a firearm render it permanently inoperable;

(c) Verification by a competent authority is to include a certificate or record attesting to the deactivation of the firearm or a clearly visible mark to that effect stamped on the firearm.

43. In practice, however, deactivation standards largely depend on the country and do not always hinder a reactivation. Lack of harmonization on whether deactivated firearms are still considered to be firearms and therefore fall under the same regulatory and legal regime, as well as differences in the level of deactivation standards, create loopholes and legal gaps that organized criminal and terrorist groups can exploit.

Complementary measures

44. In order to prevent organized criminal and terrorist groups from acquiring deactivated firearms that can be reactivated, States parties should, if they decide not to recognize deactivated firearms as firearms, harmonize their deactivation standards and ensure that all essential parts of a deactivated firearm are to be rendered permanently inoperable.

45. As described above, States parties may also consider introducing specific criminal offences to enforce the prohibition of reactivation of a deactivated firearm.

5. Collection and destruction of firearms

46. Another important element of comprehensive strategies aimed at reducing illicit arms flows and preventing firearms, their parts and components and ammunition from falling into the hands of criminal and terrorist groups is by reducing the number of arms that are in circulation and that are at risk of being stolen or lost.

47. Regular collection and destruction of State-held surplus weapons forms part of broader national disarmament initiatives. Moreover, many countries implement regular or periodic arms surrender programmes to reduce the number of arms in civilian hands. There are many and very diverse examples of surrender programmes that have different approaches, mechanisms and incentives. These programmes may be anonymous or require full identification of the persons that deliver the arms, are based on temporary amnesty laws or are part of permanent disarmament campaigns, provide monetary or other material incentives, or none, and all have a high crime-prevention value.

48. Collection and destruction campaigns often involve local communities and civil society organizations, which support and participate to different degrees in such campaigns, and exercise oversight over the collection process. This measure contributes to enhancing transparency and building stronger levels of confidence between the State and the communities that decide to give up their firearms and rely on the State to defend and protect them if necessary.

D. Law enforcement and a coherent criminal justice response to cases of illicit manufacturing of and trafficking in firearms, their parts and components and ammunition

49. On both the preventive and the detection/investigation sides, law enforcement measures are particularly important in stopping concrete cases of illicit arms trafficking, thereby potentially preventing organized criminal groups from acquiring firearms, and gathering information that will facilitate tailored responses.

50. In this regard, the provisions of the Organized Crime Convention that apply to the Firearms Protocol, mutatis mutandis, become particularly important. Those include, among other things, special investigative techniques (article 20 of the Convention), measures to enhance cooperation with law enforcement authorities (art. 26) and law enforcement cooperation (art. 27).

1. Enhancing the intelligence picture of illicit firearms and their criminal context

51. It is important to know where criminal or terrorist organizations have acquired their illicit firearms. According to the 2017 *Serious and Organized Crime Threat Assessment* of the European Union Agency for Law Enforcement Cooperation (Europol), investigations into the terrorist attacks perpetrated in Paris in 2015 and Brussels in 2016 uncovered that some of the perpetrators of those attacks had been involved in different types of serious and organized crime. That involvement included the trafficking of illicit drugs, as well as personal contacts with criminal groups involved in the trafficking of firearms and the production of fraudulent documents.[5]

52. Understanding the local illicit market for firearms and the groups involved, through enhanced intelligence analysis, can provide important insights that can help address the links to organized crime or terrorism. It may also reveal the extent to which those groups are directly involved in the illicit traffic, or make use of

[5] Europol, *Serious and Organized Crime Threat Assessment 2017*, p. 56.

established networks or contacts with other criminals that are specialized in black market commodities but are not part of their organizations.

2. Strengthening capacity for detection and seizure of firearms

53. The Firearms Protocol requires States parties to increase the effectiveness of import, export and transit controls, including, where appropriate, border controls, and of police and customs transborder cooperation (art. 11, subpara. (b)). The Protocol further requires States parties to enable seizures and confiscations of illicitly manufactured or trafficked firearms (art. 6).

54. According to the *UNODC Study on Firearms 2015*,[6] a large amount of the illicit trafficking seems to take place in smaller quantities through land border crossings, in vehicles, cars and larger buses, including (to a lesser extent) through parcel services. Larger seizures were less frequent. However, because they are easy to conceal and transport, and difficult to track across often porous borders, seizures at border crossings remain challenging and are limited in number.

55. Strengthening the capacity of law enforcement officials to detect and seize firearms, especially at land border crossings, is of crucial importance to reduce illicit flows and dismantle responsible criminal networks. This should also include the capacity to respond to the challenges posed by new technologies, such as trafficking via the Internet or the darknet, and the use of parcel service delivery. Specialized training in searches and seizures, on vehicles, containers and other vectors, is also important and necessary, given the complexity of the illicit trade.

56. Identifying suitable risk indicators and providing customs and border officials with the necessary equipment and specialized training on detecting, identification and tracing of these arms are other important measures that should be considered.

Complementary measures

57. Another way to enhance the capacity of detection and seizure by law enforcement authorities is through the enhanced involvement of local communities, as well as the design of appropriate reporting and information mechanisms.

58. Local communities know best who in their community is engaged in firearms trafficking and where such items can be found; thus by working with communities, law enforcement authorities can receive valuable information that can contribute to increasing the detection and seizure of illicit firearms. Such mechanisms, however, depend on high levels of confidence and trust between the parties involved and require adequate and secure communication channels which guarantee anonymity. Voluntary collection and destruction campaigns with civil society oversight of the Government's implementation of its international commitments in this field can complement these initiatives.

59. When considering similar community-based approaches to encourage public reporting on illicit firearms, States parties may wish to consider broader confidence-building mechanisms to enhance the levels of trust between their law enforcement authorities and the communities, as well as adequate structures to preserve confidentiality and security of the informants.

3. Integrating firearms investigations into broader investigative schemes

60. Reducing illicit financial and arms flows and combating all forms of organized crime is a precondition for attaining sustainable development and durable peace (see also target 16.4 of Sustainable Development Goal 16). Countering the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition is essential to preventing organized crime and terrorist groups from

[6] The study is available in English at www.unodc.org/documents/firearms-protocol/UNODC_Study_on_Firearms_WEB.pdf. The accompanying country fact sheets are available in English at www.unodc.org/documents/firearms-protocol/Country_Factsheet_WEB.pdf.

acquiring those items. It is also part of a broader strategy aimed at (a) detecting and disrupting illicit (arms) trafficking flows, (b) dismantling the criminal groups and trafficking networks, (c) depriving them of their illicit assets, and (d) preventing them from reconstituting abroad by bringing their leaders to justice.

61. Firearms and cartridges seized at crime scenes can serve as valuable evidence, both to identify the perpetrator and potentially to link different crimes through ballistic matching. The latter is particularly helpful in identifying firearms trafficking routes and patterns and could give valuable insight into the movements and supply chains of criminal and terrorist groups.

62. In practice, firearms-related investigations often do not receive appropriate attention, aside from the first level of action, which is that of seizing the firearm and taking the basic evidence needed for establishing the seized weapon as accessory to the primary offence. Law enforcement action often focuses on the main crime, e.g., a drug trafficking case or an act of terrorism, treating the firearm as a mere instrumentality of the main offence. Often, parallel investigations on firearms trafficking are not initiated. The cumulative effect of this is a major gap in knowledge on firearms trafficking trends and illicit firearms leakages and sources.

Complementary measures

63. A more proactive investigative approach comprising systematic investigations on the origin of firearms that are seized in the context of organized crime and terrorism can, in the medium and long term, help to gather the information and intelligence required to ultimately prevent organized criminal and terrorist groups from acquiring firearms.

64. Such a proactive approach can be supported by standard operating procedures which dictate the initiation of a parallel investigation, where appropriate. This would help to ensure that investigations of potential cases of firearms trafficking are systematically initiated, and, at the same time, that the cross-cutting nature of the firearms element in organized crime and terrorism is attended to in a coordinated and centralized manner.

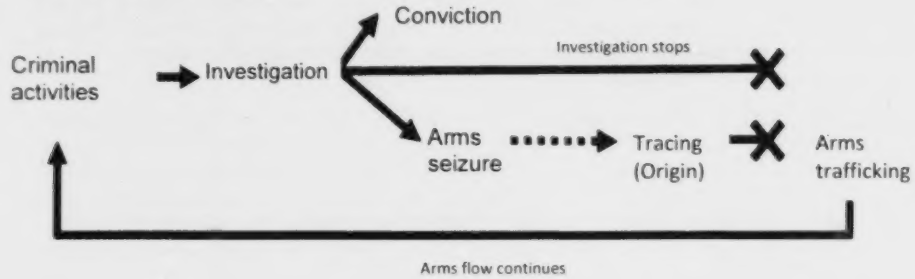
65. Specialized firearms hubs which centralize the firearms expertise required to conduct full-fledged investigations into firearms-related criminality and into firearms trafficking cases in particular, with the necessary investigative powers, can support national institutions in this task.

66. The figure below shows two different investigative approaches and how illicit arms flows can be stopped on the basis of a proactive investigation approach that includes systematic tracing of the seized firearms.

Figure
Investigative approaches

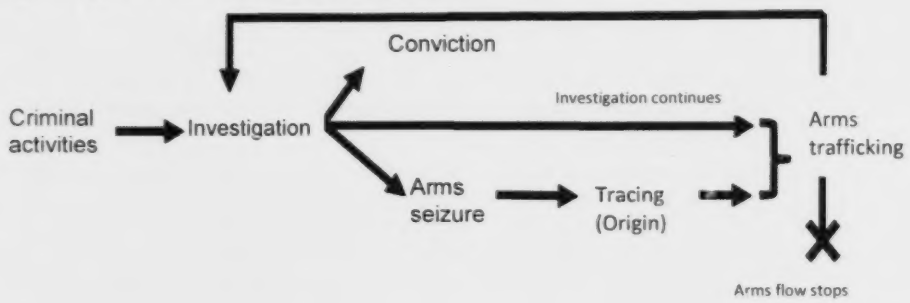
Scenario A

Often encountered investigative approach on firearms seized in context of other crime



Scenario B

Proactive investigation approach on firearms seized in context of other crime



4. Investigative approaches

67. Moreover, the proactive investigation approach could be embedded in a comprehensive strategy on organized crime and terrorism which looks at both the firearm and the individual who uses it. Linking the information on both aspects can help to better understand and counter the phenomenon of organized criminal and terrorist groups acquiring firearms, their parts and components and ammunition.

68. Specialized units in charge of organized crime or terrorism would greatly benefit from training to understand the linkages to firearms trafficking and conduct parallel investigations on that crime.

69. In application of article 11, subparagraph (b), of the Firearms Protocol, law enforcement authorities and, in particular, customs officers could apply specialized profiling and risk assessment indicators to support early warning mechanisms to detect firearms trafficking linked to possible organized criminal and terrorist acts.

5. Using and applying special investigative techniques, and joint investigative teams to firearms investigations

70. Integrating firearms investigations into broader investigating schemes means looking at the broader picture and its ultimate goal, which is to disrupt the traffic and the related crimes, dismantle the criminal organization, and identify and bring the perpetrators and their leaders to justice.

71. To this end, States parties may wish to encourage the use, at both the national and international levels, of broader and more complex investigative techniques tailored to the specific context, as appropriate.

Complementary measures

72. Some investigative techniques may require prior legislative adaptation, such as controlled deliveries, which in the case of firearms, may also require additional coordination and cooperation arrangements. Undercover operations, use of informants, and other methods, such as electronic surveillance, as indicated in the Organized Crime Convention (arts. 20 and 26), could equally be applied, subject to the national legal framework.

E. International cooperation and information exchange

73. As trafficking in firearms, their parts and components is by definition transnational in nature, and organized crime and terrorism, too, are very often transnational crimes that involve two or more countries, international cooperation and information exchange at the regional and international levels is key to preventing organized criminal and terrorist groups from acquiring firearms. Those actions constitute fundamental pillars of any serious effort to counter organized crime, including illicit manufacturing of and trafficking in firearms.

74. The Firearms Protocol and its parent Convention provide a vast cooperation framework and both require the promotion, facilitation and strengthening of cooperation among States parties, in the case of the Firearms Protocol, on preventing, combating and eradicating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, as their main purpose.

1. Information exchange

75. Article 12 of the Protocol requires the exchange of information on various firearms-related topics, including the parties authorized to be involved in firearms transfers, organized criminal groups known to be or suspected of being involved in firearms trafficking and the modus operandi employed by such groups, relevant legislative experiences and practices and measures, and relevant scientific and technological information useful to law enforcement authorities. In addition, article 28 of the Convention requires States parties to consider analysing trends in organized crime in their territories and to develop and share analytical expertise concerning organized criminal activities.

76. Useful information exchange could include the following:

(a) Updates shared among States on best practices in the areas of record-keeping, marking and deactivation of firearms;

(b) Guidelines on efficient measures for seizure, confiscation, management and disposal of firearms, their parts and components and ammunition;

(c) Statistical data on firearms losses, thefts and seizures in each country;

(d) Levels of arms flows, internally and externally; patterns of both legal and illegal acquisition; and the impact on society;

(e) Best types of public awareness campaigns in each country.

77. Such gathering and exchange of information can help States to develop a comprehensive understanding of the phenomenon and its modi operandi, and of the groups or individuals involved in these activities.

Complementary measures

78. To provide better knowledge and an evidence base for policy and operational decisions, such information can be complemented by information on terrorist groups, and, in the case of individuals authorized to be involved in firearms transfers, be complemented by information on which applicants did not receive the requested licences, linked to a security vetting of such applicants.

2. Tracing

79. The Protocol further requires States parties to cooperate in tracing. Article 12, paragraph 4, of the Protocol requires States parties to cooperate in the tracing of firearms that may have been illicitly manufactured or trafficked, and this cooperation must include the provision of prompt responses to requests for assistance in tracing such firearms.

80. Tracing of firearms is central to any criminal investigation involving firearms. The purpose of tracing firearms and ammunition is to identify the point at which legally held firearms and ammunition have been diverted into the illicit market, which would include information about the last person or entity that was known to hold legal authority over the traced item. This, in turn, can help in identifying those responsible for the diversion and hold them accountable, thereby preventing future diversions from the same sources.

Complementary measures

81. Linked to the proactive investigation approach described above, tracing firearms, their parts and components and ammunition could be part of a set of standardized measures to be taken when those items are seized at a crime scene that is linked to organized criminality and terrorism.

3. Promote and use existing mechanisms for international judicial and law enforcement cooperation

82. Finally, encouraging and promoting the broadest international cooperation in criminal matters implies making use of existing instruments, such as the Organized Crime Convention, and applying them, mutatis mutandis, to firearms trafficking cases.

Complementary measures

83. In some cases, in order to be able to apply the existing tools and instruments, States parties may have to enact and, where appropriate, review and update their extradition and mutual legal assistance laws in order to ensure the inclusion of firearms-related offences and their links to other organized crime and terrorism-related offences, consistently with their international obligations.

IV. Practical measures to monitor the achievement of target 16.4 of the Sustainable Development Goals

84. Target 16.4 of the Sustainable Development Goals requests Member States as follows: "by 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime". With this target, the international community acknowledges the devastating effect of illicit arms flows on development. Global monitoring of steps towards the achievement of this target is undertaken using the indicator 16.4.2, which was developed by the Inter-agency and Expert Group on Sustainable Development Goal Indicators. The indicator was adopted by the General Assembly on 6 July 2017 and is contained in the resolution on the work of the Statistical Commission pertaining to the 2030 Agenda for Sustainable Development (General Assembly resolution 71/313). Indicator 16.4.2 reads as follows: "Proportion of seized, found or surrendered arms whose illicit origin or context has been traced or established by a competent authority in line with international instruments". UNODC has been designated as co-custodian for this indicator, together with the Office for Disarmament Affairs of the Secretariat.

85. To facilitate the implementation of the global indicator framework, all indicators are classified by the Inter-agency and Expert Group on Sustainable Development Goal Indicators into three tiers based on their level of methodological development and the availability of data at the global level. Indicator 16.4.2 is classified under tier III,

which means that "no internationally established methodology or standards are yet available for the indicator, but methodology/standards are being (or will be) developed or tested".

86. Among the proposed methodologies to collect relevant data under indicator 16.4.2, is the revised UNODC illicit arms flows questionnaire.[7] UNODC initiated the updating of the methodology used for the *UNODC Study on Firearms 2015* in 2016, pursuant to the mandate contained in Conference resolution 8/3. That resolution requires UNODC to continue to collect and analyse quantitative and qualitative information and suitably disaggregated data on trafficking in firearms, their parts and components and ammunition, taking into account the *UNODC Study on Firearms 2015* and target 16.4 of the Sustainable Development Goals, as well as to disseminate its findings on a regular basis, and to this end, to revise and enhance its methodology in cooperation with relevant organizations.

87. Following an informal expert group meeting in September 2016 and a round of informal consultations with selected firearms and statistical experts in March 2017, UNODC launched a pilot test exercise of the revised illicit arms flows questionnaire. Feedback received through this exercise, as well as during three regional meetings on firearms data collection and analysis, was incorporated into the final version of the questionnaire.[8] At the time of preparing this report, it is estimated that the official data collection exercise will be launched in April 2018.

88. The revised illicit arms flows questionnaire contains quantitative and qualitative questions on the amount, type, condition, geographical and criminal context, tracing, as well as trafficking routes, trends and modalities of seized firearms. The questionnaire also addresses, where necessary, found and surrendered firearms, for reporting progress on Sustainable Development Goal target indicator 16.4.2. Additionally, where deemed useful for the identification and monitoring of illicit arms flows, the questionnaire seeks information on seized parts and components and ammunition.

89. The UNODC data collection methodology on illicit firearms, their parts and components and ammunition provides the information necessary for reporting on implementation of the Sustainable Development Goals. In addition, it seeks to provide a comprehensive and global overview on trends and patterns in illicit firearms trafficking, thereby increasing knowledge and understanding of the largely unknown scope of trafficking and expanding the evidence base for policy and operational decisions to counter illicit trafficking in firearms, their parts and components and ammunition, in line with Conference resolution 8/3.

90. UNODC complements its global data collection exercise by providing Member States, upon request, with support for their national data collection and analysis efforts, as well as for using the data as a basis for policy and operational decisions with a view to countering the illicit trafficking in firearms, their parts and components and ammunition, and its links to organized crime and terrorism.

V. Conclusions

91. Owing to the interconnectedness of the illicit trafficking in firearms, their parts and components and ammunition on the one hand, and other forms of organized crime and terrorism on the other, preventing organized criminal and terrorist groups from acquiring firearms becomes increasingly relevant.

92. The Firearms Protocol and its parent Convention constitute sound legal frameworks that help to address this issue at the policy, legislative and operational levels. However, countering the phenomenon in a comprehensive manner may require

[7] CTOC/COP/WG.6/2018/4

[8] Please refer to CTOC/COP/WG.6/2018/3 for more information on the pilot test exercise, as well as on the regional meetings in support of data collection and analysis.

additional and complementary measures that are based on the implementation of the above-mentioned legal framework but provide for a stricter security and control framework.

93. In acknowledgment of the cross-cutting nature of the firearms element in different forms of crime, including organized crime and terrorism, Member States may wish to redouble their efforts in detecting, investigating and prosecuting cases of trafficking in firearms, their parts and components and ammunition by systematically initiating parallel investigations on potential trafficking cases.

94. Monitoring steps towards the achievement of Sustainable Development Goal target 16.4 requires comprehensive data collection efforts at the national and international levels, as well as appropriate capacities to collect and record the required data. UNODC places the information collected, via its illicit arms flows questionnaire, at the disposal of the United Nations Statistical Division for Sustainable Development Goal reporting purposes. UNODC stands ready to support Member States, upon request, in their national data collection and analysis efforts and in using the data as a basis for policy and operational decisions with a view to countering the illicit trafficking in firearms, their parts and components and ammunition and its links to organized crime and terrorism.

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